

IS CIA INVOLVED IN KENNEDY ASSASSINATION ?

HURRICANE GARRISON FLATTENS

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NEW ORLEANS

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The last time Jim Garrison, district attorney for New Orleans, made up his mind to accomplish an unpopular mission he said "The only way anyone can stop menow is to kill me." On that occasion he had merely determined to clean up New Orleans' more spectacularly vicious night clubs and strip joints, and he succeeded without noticeable support from the local judiciary, the police, or the press. But he is popular in the city, and he went on to be re-elected as District Attorney—the first man in 30 years to serve a second term.

New Orleans, once a base for pirates and privateers operating in the Gulf of Mexico, has a lawless history and once had an open tradition of civic corruption. Such a tradition, in which local government becomes one of the more fruitful areas for free enterprise, tends to die hard.

One of the first things that Garrison did after taking office in 1962 was to have some special forms printed which were to be filled in by any member of his staff who was approached by individuals with unusual proposals to make about the workings of justice. He also had a time clock installed in his offices. "I did this just to make the point that there was going to be a change," says Garrison. "And when you can get a lawyer to punch a time card, morale has to be high."

Such was Garrison's new broom approach in the District Attorney's offices five years ago. Yet in recent months members of his staff have been accused of bribing and intimidating witnesses, and Garrison himself is rarely to be found in his office before noon. He cannot sleep, but sits up sometimes until dawn pondering the details of his investigation into a conspiracy to murder President Kennedy.

I arrived in New Orleans last April in a spirit of open-minded skepticism about this

investigation. New York newspapers had then been reporting Garrison's activities for some two months, but with deep reticence, and usually on a back page among the girldie ads. By this time he had questioned a number of extremely unusual witnesses, and had arrested one man—Clay Shaw, a prominent New Orleans businessman and a former director of the city's International Trade Mart.

I knew that Garrison had some reputation as hard-headed. He had been elected District Attorney without any political backing, but had simply appeared on television and told the electorate about the lethargy and incompetence in the District Attorney's office. Since he had worked from this office for four years as a trial lawyer, he was able to be fairly explicit in his criticism. As Garrison recalls it, "The other candidates were scared to make the District Attorney mad in case he was re-elected, as was the probability. They would still have had to practice law from his office. But I never think of consequences and as a consequence I won."

Garrison is good-looking, and a fluent and forthright speaker. Apparently he was an excellent television campaigner. But campaign promises are one thing, and New Orleans was startled to find that he intended to keep his vow to clean up the city. As his chief investigator in this task he chose an ex-police officer named Pershing Gervais.

This was an extremely provocative move. In the late 1950's the police in New Orleans were so far steeped in cynicism that pay-offs were made casually at roll call, when a brown envelope containing the week's bribe was handed out to each officer. Gervais had testified in court about this scandal, and later resigned from the force. He said at the time, "There are higher-ups (in the police) who were sucking up thousands. They know it, and they know that I know it." Altogether he knew too much. Gervais retired for family reasons just after Garrison started work on the conspiracy investigation last autumn. Until June of this year Garrison's chief aide was one William Gurvich, the head of a private detective agency in New Orleans.

Having affronted the police, Garrison was next to offend the sheriff and local prison officials by exposing rackets in the collection of bail bonds and disgraceful conditions in the city's jails. Then he made a swoop on Bourbon Street, the red-light district of New Orleans. The police offered a kind of passive resistance at this point, but Garrison came premises to be padlocked for one year. Only

a few such padlockings were necessary—landlords not wishing to lose a year's rent suddenly became most concerned about the legality of activities on their premises.

But at the height of the Bourbon Street raids, the eight criminal court judges of New Orleans announced that Garrison had no power to engage in such investigations and cut off his funds to do so. He ignored them, used his own money, and at a press conference remarked that the fact that the judges were not interested in vice investigations "raises interesting questions about the influences of racketeers on these officials."

The judges forthwith charged him with criminal defamation. In his capacity as District Attorney, Garrison instantly dismissed these charges against himself. The State Attorney had then to be brought down from Baton Rouge to prosecute, and after a trial full of testimony most damaging to the judges, Garrison was nevertheless convicted. Eventually, after an appeal to the Supreme Court, this conviction was reversed on the grounds that a federal rule prohibits a public official from recovering damages for a defamatory falsehood relating to his official conduct unless he proves that the statement was made with "actual malice" or with "reckless disregard of whether it was false or not."

Garrison was off the hook—not because he had proved any case against the judges but simply because they were prohibited from suing him for damages. Asked how he was able to work with these judges after such a bitter episode, Garrison replied, "What do you mean? It's easy to be magnanimous after you've won. The question is—how are they able to get along with me? They don't send for me now—they ask if I will see them."

Garrison's re-election in New Orleans was not unopposed. Criminal Court Judge Malcolm O'Hara stood against him, and was backed three-to-one by the New Orleans Bar